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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DAVID HOUGH; et al.

Plaintiffs,

vs.

RYAN CARROLL; et al.

Defendants.

) Case No.: 2:24-CV-02886-WLH

) **DECLARATION OF NICO BANKS**
) **REGARDING MOTION FOR**
) **SANCTIONS**

**DECLARATION OF NICO BANKS REGARDING MOTION FOR
SANCTIONS**

I, Nico Banks, have personal knowledge of the matters set forth below and if called to testify, I would do so competently.

1. I am an attorney representing Plaintiffs in this matter.
2. Exhibits A-E, G-I, and K are true and correct copies of correspondence that I sent to or received from Defendants'¹ attorneys. Exhibit F is a true and correct copy of asset disclosures I received from Defendants on May 11, 2024 in response to Plaintiffs' interrogatories. Exhibit J is a true and correct copy of

¹ For purposes of this declaration, "Defendants" refers to the Defendants (and their attorneys) that are the subject of the Motion for Sanctions: Ryan Carroll; Max K. Day; Max O. Day; Michael Day; Yax Ecommerce LLC; Precision Trading Group, LLC; and WA Distribution LLC

1 supplemental asset disclosures I received from Defendants on May 17, 2024 in
2 response to Plaintiffs' interrogatories.

3 3. On April 22, 2024, the only financial accounts that Defendants disclosed were
4 twelve accounts, each of which were held in the name of one of the individual
5 Defendants. Collectively, the accounts totaled less than \$15,000.

6
7 4. On April 23, 2024, I told Defendants' attorneys via email that Defendants'
8 asset disclosures were incomplete and did not comply with the Court's
9 temporary restraining order.
10

11 5. On April 24, 2024, Defendants disclosed the following additional accounts:
12

13 a. Eleven accounts held in the name of "Wealth Assistants, LLC" at Thread
14 Bank, which totaled \$149,109.15.

15 b. One account held in the name of "Wealth Assistants, LLC" at Blue Vine,
16 which totaled less than \$600.

17 c. Five accounts held at Thread Bank in the name of "WA Distribution,
18 LLC," none of which held any value.
19

20 d. One account held at Novo Bank in the name of "Wealth Assistants,
21 LLC," which totaled \$11.43.
22

23 6. The only other account that Defendants disclosed on April 24, 2024 was an
24 IOLTA account containing \$287,950.93. Defendants caveated the disclosure of
25 that account with a letter stating that Defendants did not believe the IOLTA
26 account was subject to the temporary restraining order.
27
28

1 7. On May 11, 2024, Defendants disclosed several bank accounts held in the
2 name of the human Defendants that had not previously been disclosed.

3 8. On May 8, 2024, Defendants produced tax returns.

4
5 9. The only tax returns Defendants produced that were signed by Defendants
6 prior to May of 2024 were Ryan Carroll's 2021 and 2022 tax returns.

7
8 10. The only other tax returns Defendants produced on May 8, 2024 that were
9 signed on Defendants' behalf were Wealth Assistants LLC's purported 2021
10 and 2022 tax returns. Those tax returns were both signed by Ryan Carroll on
11 May 3, 2024.

12
13 11. The purported 2021 tax return for Wealth Assistants LLC states that it is
14 effective for the fiscal year ending in September 2022, and it is signed May 3,
15 2024.

16
17 12. The purported 2022 tax return for Wealth Assistants LLC states that it is
18 effective for the fiscal year ending in September 2023, and it is signed May 3,
19 2024.

20
21 13. Wealth Assistants LLC's purported 2022 tax return states that Wealth
22 Assistants' gross sales and receipts for that tax year and the year before,
23 combined, were more than \$57 million.

24
25 14. On May 17, 2024, Defendants disclosed to Plaintiffs the last four digits of the
26 human Defendants' social security numbers, and Defendants disclosed Michael
27 Day's 2022 tax return.
28

1 15.Plaintiffs have asked Defendants on multiple occasions—most recently, on
2 May 28, 2024—to confirm in writing that the tax returns they produced are
3 identical to the ones filed with the IRS except for the signatures. Defendants
4 have not done so. Defendants also have not re-produced any of the tax returns
5 to correct redaction issues that Plaintiffs have identified (although when
6 Defendants produced Michael Day’s 2022 tax return, they did not redact it as
7 heavily).
8
9

10 16.Less than five minutes before Plaintiffs and Defendants had a videoconference
11 on May 17, 2024, Defendants produced supplemental interrogatory responses.
12

13 17.During the May 17, 2024 videoconference, Plaintiffs and Defendants had a
14 videoconference. Plaintiffs used a share-screen function to review the updated
15 interrogatory responses with Defendants. The parties agreed that the updated
16 interrogatory responses failed to include the account numbers for many of the
17 bank accounts that were disclosed. After Plaintiffs had gone through some of
18 the interrogatory responses to show the missing account numbers, Defendants
19 stated that the issue was clear and Plaintiffs did not need to point out the
20 missing account numbers in the remaining interrogatory responses.
21
22

23 18.Furthermore, during the videoconference, Plaintiffs noted that the updated
24 interrogatory responses still failed to include current balances for many of the
25 disclosed financial accounts. Plaintiffs also re-iterated the tax-return-
26 production deficiencies that they had previously identified. The parties also
27
28

1 agreed that there was a clear inconsistency between Ryan Carroll's prior
2 interrogatory responses and his updated interrogatory responses: the prior
3 interrogatory responses disclosed that Dreams to Reality's bank accounts had a
4 current value of \$1,385,466, whereas the updated interrogatory responses
5 disclosed that Dreams to Reality's current bank accounts had a current value of
6 \$0. Finally, Plaintiffs repeated that they intended to move for sanctions given
7 the clear continuing deficiencies in Defendants' productions.
8
9

10 19. Precision Trading Group LLC's 2022 tax return indicates that an entity called
11 Business Financial Solutions Advisory ("BFSA") had an ending capital
12 account of \$896,015 as of the end of 2022.
13

14 20. Max K. Day's (the owner of BFSA) disclosures indicate that BFSA's accounts
15 had a peak value of only \$65,000.
16

17 21. Precision Trading Group's 2022 tax returns indicate that its current assets
18 included "Max Pro Marketing" with a value of \$66,400 and "HouTex Farm"
19 with a value of \$184,327, but those assets do not appear on Precision Trading
20 Group's disclosures.
21

22 22. Precision Trading Group's tax returns indicate that it has depreciable assets and
23 a vehicle, and it has not disclosed those assets.
24

25 23. Yax Ecommerce's tax returns indicate that it made an investment in Bitcoin of
26 \$144,972 in 2021 or 2022, and its later tax returns do not indicate any sales or
27 transfers of that Bitcoin.
28

1 24.Yax Ecommerce has not disclosed any cryptocurrency assets.

2 25.Yax Ecommerce's tax returns indicate that its assets included \$2,568,010 of
3 investments as of the end of 2022, but Yax Ecommerce did not disclose any
4 investment accounts.
5

6 26.Ryan Carroll and Max O. Day have both disclosed less than \$25,000 in cash.

7 I declare under penalty of perjury that the foregoing is true and correct.
8

9 Dated: May 31, 2024

/s/Nico Banks
Nico Banks

EXHIBIT A



Nico Banks <nico@bankslawoffice.com>

**Re: Activity in Case 2:24-cv-02886-WLH-SK David Hough et al v. Ryan Carroll et al
Order on Motion for Leave re Discovery Matter**

1 message

Nico Banks <nico@bankslawoffice.com>

Fri, May 3, 2024 at 5:58 PM

To: William Shibley <william@lloydmousilli.com>, Lema Mousilli <lema@lloydmousilli.com>, Litigation
<litigation@lloydmousilli.com>

Cc: Josh Stein <josh.stein.esq@gmail.com>, "richard nerviglaw.com" <richard@nerviglaw.com>

The production is already untimely, as the court noted at the last hearing. It certainly should not take this long to disclose other accounts. In the meantime, you've filed two extensive motions, so it is clear that you are not adequately prioritizing the urgent and overdue order from the court.

Nico Banks, Esq.

Banks Law Office, P.C.

Pronouns: he/him

Tel.: 971-678-0036

712 H St NE,

Unit #8571,

Washington, DC 20002

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On Fri, May 3, 2024 at 5:54 PM William Shibley <william@lloydmousilli.com> wrote:

Mr. Banks,

It is my understanding that much has already been provided to you, and that we should be able to respond to your production request in a timely manner.

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On Fri, May 3, 2024 at 10:07 AM Nico Banks <nico@bankslawoffice.com> wrote:
Adding Mr. Davis and Mr. Shibley.

Regards,

Nico Banks, Esq.

Banks Law Office, P.C.

Pronouns: he/him

Tel.: 971-678-0036

712 H St NE,

Unit #8571,

Washington, DC 20002

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On Fri, May 3, 2024 at 1:04 PM Nico Banks <nico@bankslawoffice.com> wrote:

I'm adding the other attorneys for Defendants so they are on notice of the situation. To date, we have not received a response to my email from 4/30. My position is that Defendants' behavior warrants a prosecution for criminal contempt.

Nico Banks, Esq.

Banks Law Office, P.C.

Pronouns: he/him

Tel.: 971-678-0036

712 H St NE,

Unit #8571,

Washington, DC 20002

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permanently delete this e-mail, its attachments, and any copies of it immediately. You should not retain, copy or use this e-mail or any attachment for any purpose, nor disclose all or any part of the contents to any other person. Thank you.

On Wed, May 1, 2024 at 5:52 PM Nico Banks <nico@bankslawoffice.com> wrote:

Lema,

Defendants have failed to even acknowledge my email below. That is unacceptable, especially given the very clear warning from the court that Defendants' disclosures must improve.

This email constitutes service of our document request and interrogatory, but of course, these new requests are not an excuse for Defendants to continue delaying their identification of assets held for their benefit (including assets they control). The latter must happen immediately.

Regards,

Nico Banks, Esq.

Banks Law Office, P.C.

Pronouns: he/him

Tel.: 971-678-0036

712 H St NE,

Unit #8571,

Washington, DC 20002

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On Tue, Apr 30, 2024 at 4:56 PM Nico Banks <nico@bankslawoffice.com> wrote:

Lema and Rachel,

Jurisdictional Defendants must immediately disclose all accounts over which they have control. If the Jurisdictional Defendants continue to delay disclosing those accounts, we will not only cite that delay as further evidence that sanctions need to be imposed at the upcoming OSC hearing, but we will also consider requesting a contempt order. Moreover, if we discover--through third-party discovery or otherwise--that the Jurisdictional Defendants fail to disclose any accounts in their control, we will likely move for a contempt order and further sanctions. Accordingly, please make sure your clients' disclosures are very prompt and complete.

Regards,

Nico Banks, Esq.

Banks Law Office, P.C.

Pronouns: he/him

Tel.: 971-678-0036

712 H St NE,

Unit #8571,

Washington, DC 20002

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----- Forwarded message -----

From: <cacd_ecfmail@cacd.uscourts.gov>

Date: Tue, Apr 30, 2024 at 10:41 AM

Subject: Activity in Case 2:24-cv-02886-WLH-SK David Hough et al v. Ryan Carroll et al Order on Motion for Leave re Discovery Matter

To: <ecfnf@cacd.uscourts.gov>

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

Notice of Electronic Filing

The following transaction was entered on 4/30/2024 at 7:40 AM PDT and filed on 4/29/2024

Case Name: David Hough et al v. Ryan Carroll et al

Case Number: 2:24-cv-02886-WLH-SK

Filer:

Document Number: 38

Docket Text:

MINUTES OF ORDER EXTENDING AND AMENDING TEMPORARY RESTRAINING ORDER [I 7] AND GRANTING MOTION FOR LEAVE TO CONDUCT EXPEDITED DISCOVERY [25] held before Judge Wesley L. Hsu. The Court finds good cause to EXTEND the TRO until May 13, 2024, with the following modifications: 1. The cap on expenditures in the TRO is decreased back to \$9,000; and 2. "Assets owned by or held for the benefit of Defendants" is confirmed to mean "any assets over which Jurisdictional Defendants have control and dominion." Additionally, the Court sets

an Order to Show Cause why sanctions should not be imposed for failure to disclose all "assets owned by or held for the benefit of Defendants" by the April 20, 2024, deadline imposed in the original TRO. The Order to Show Cause re Sanctions is set for May 13, 2024, at 1:30 p.m. Finally, the Court GRANTS Plaintiffs' Motion for Leave to Conduct Expedited Discovery [25]. [See minutes for further details] Court Reporter: April Lassiter-Benson. (lom)

2:24-cv-02886-WLH-SK Notice has been electronically mailed to:

Lema Mousilli allauna@lloydmousilli.com, litigation@lloydmousilli.com

Richard A Nervig richard@nerviglaw.com

William H. Shibley william@lloydmousilli.com

Rachel Marie Crockett litigation@lloydmousilli.com, rachel.abbot@gmail.com

Nicolo Emerson Banks nico@bankslawoffice.com

2:24-cv-02886-WLH-SK Notice has been delivered by First Class U. S. Mail or by other means BY THE FILER to :

EXHIBIT B



Nico Banks <nico@bankslawoffice.com>

Re: Hough, et al v. Carroll, et al - 5/8 Disclosures

1 message

Nico Banks <nico@bankslawoffice.com>

Sat, May 11, 2024 at 10:45 AM

To: Megan Weiss <megan@lloydmousilli.com>

Cc: Allauna Gluski <allauna@lloydmousilli.com>, Lema Mousilli <lema@lloydmousilli.com>, Litigation
<litigation@lloydmousilli.com>, William Shibley <william@lloydmousilli.com>, richard@nerviglaw.com

I don't believe we have a page bates stamped 366. It looks to me like the production ends at 365.

Nico Banks, Esq.
Banks Law Office, P.C.
Pronouns: he/him
Tel.: 971-678-0036
712 H St NE,
Unit #8571,
Washington, DC 20002

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On Sat, May 11, 2024 at 10:35 AM Megan Weiss <megan@lloydmousilli.com> wrote:
Please see JD0000366, which is a letter from TaxCite.

Thank you,

Megan Weiss, Head of Operations
Lloyd & Mousilli - Attorneys & Counselors at Law
Main: 512.609.0059 Direct: 507.459.0385
www.lloydmousilli.com

On Sat, May 11, 2024 at 9:30 AM Nico Banks <nico@bankslawoffice.com> wrote:

It looks to me like Bates JD000336 is just the beginning page of Carroll's 2023 tax return. Is there another page that says what you said was on that page (ie an affirmation that the missing tax returns for Carroll and WA Distribution do not exist)?

Nico Banks, Esq.
Banks Law Office, P.C.
Pronouns: he/him
Tel.: 971-678-0036
[712 H St NE,](#)
[Unit #8571,](#)
[Washington, DC 20002](#)

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On Thu, May 9, 2024 at 9:13 PM Megan Weiss <megan@lloydmousilli.com> wrote:
Mr. Banks,

Please see attached correspondence on behalf of Mr. Shibley.

Thank you,

Megan Weiss, Head of Operations
Lloyd & Mousilli - Attorneys & Counselors at Law
Main: 512.609.0059 Direct: 507.459.0385
www.lloydmousilli.com

On Thu, May 9, 2024 at 1:57 PM Nico Banks <nico@bankslawoffice.com> wrote:

The Precision Trading Group tax returns are also unsigned. And it appears to me that a lot of numbers are missing from Precision Trading Group's Form 4562 for its 2022 tax return (e.g., column G in section B -- see page 11 of the return) but I'm open to being wrong about that.

Thanks,

Nico Banks, Esq.

Banks Law Office, P.C.

Pronouns: he/him

Tel.: 971-678-0036

[712 H St NE,](#)

[Unit #8571,](#)

[Washington, DC 20002](#)

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On Thu, May 9, 2024 at 2:03 PM Nico Banks <nico@bankslawoffice.com> wrote:

Also, Michael Day's declaration does not provide a reasonable excuse for failing to provide the 2022 tax return. It appears that Michael Day used a service called Executive Management Solutions, Inc. to prepare the tax returns. They would be able to provide the 2022 tax return.

Also, Max K. Day's 2022 unsigned return indicates that there was a previous return filed for that year, and the one you sent me is a corrected version. Please produce the previously filed version as well.

Regards,

Nico Banks, Esq.

Banks Law Office, P.C.

ID #:1129

Pronouns: he/him

Tel.: 971-678-0036

712 H St NE,

Unit #8571,

Washington, DC 20002

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On Thu, May 9, 2024 at 12:19 PM Nico Banks <nico@bankslawoffice.com> wrote:

I realized that the 2022 Yax Ecommerce tax return goes through September of 2023, so there is no need to correct that as long as Yax Ecommerce has filed no other tax returns (although it is strange that both the 2021 and 2022 tax returns were signed only a few days ago). But the other deficiencies remain.

Thanks,

Nico Banks, Esq.

Banks Law Office, P.C.

Pronouns: he/him

Tel.: 971-678-0036

712 H St NE,

Unit #8571,

Washington, DC 20002

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On Thu, May 9, 2024 at 11:58 AM Nico Banks <nico@bankslawoffice.com> wrote:

Hello,

Thank you for the production.

However, there are a few deficiencies that jump out right away:

- They're overly redacted. For example, you have to at least leave the last four digits of social security numbers and EINs, and you can't redact company names, for example.
- Ryan Carroll's 2023 tax return is missing.
- Yax Ecommerce's 2023 tax return is missing.
- There are no tax returns for WA Distribution LLC
- Michael Day's, Max O. Day's, and Max K. Day's tax returns appear to be unsigned, at least at first glance.

Please fix those deficiencies as soon as possible. We especially need the improper redactions fixed right away.

Also, we'll agree to the protective order.

Regards,

Nico Banks, Esq.

Banks Law Office, P.C.

Pronouns: he/him

Tel.: 971-678-0036

712 H St NE,

Unit #8571,

Washington, DC 20002

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On Wed, May 8, 2024 at 11:30 PM Allauna Gluski <allauna@lloydmousilli.com> wrote:
Counsel,

Please see all attached.

Best Regards,
Allauna Gluski, Litigation Paralegal
Lloyd & Mousilli - Attorneys & Counselors at Law
Main: 512.609.0059 Direct: 281.832.0674
www.lloydmousilli.com

Attention: For efficient case management, please include case names in the email subject line and carbon copy litigation@lloydmousilli.com as well as the lead attorney on all emails.

EXHIBIT C

William Shibley
562.716.4040
william@lloydmousilli.com

May 9, 2024

Via Electronic Mail

Nico Banks
Banks Law Office
712 H St. NE,
Unit #8571,
Washington, DC 20002
nico@bankslawoffice.com

**Re: Jurisdictional Defendants' response to Plaintiffs' Counsel's discovery
conference emails dated May 9, 2024**

Mr. Banks,

This letter is in response to your numerous emails regarding the Jurisdictional Defendants' timely responses to Plaintiffs' First Request for Production of Documents ("**Production Request**") allowed under the Court's order for expedited discovery.

Parties are only Required to Produce Documents in their Possession, Custody or Control

Federal Rule of Civil Procedure 34 "requires that the party upon whom the request is served must be in possession, custody, or control of the requested item." *Dzavayardzhyan v. BMW of N. Am., LLC*, No. CV229259FMOPVCX, 2023 WL 9319038, at *3 (C.D. Cal. Aug. 24, 2023) (Citing Fed. R. Civ. P. 34(a)). "It is axiomatic that a court cannot order a party to produce documents that do not exist. A mere suspicion that additional documents must exist is an insufficient basis to grant a motion to compel." *Id.*

The Jurisdictional Defendants have adequately responded to and complied with the Production Request. The Jurisdictional Defendants cannot produce documents that do not exist or that are not within their possession, custody or control. However, the Jurisdictional Defendants agree to supplement their production as additional responsive documents come into existence or come into their possession, custody or control.

Purported "Missing" 2023 Returns

In your email at 10:58AM ("**First Email**"), you allege that Ryan Carroll and Yax Ecommerce LLC have not provided 2023 tax returns.

Page 2 of 3

Yax Ecommerce LLC, while operating, used a fiscal year ending in September. Accordingly, the return(s) provided for Yax Ecommerce LLC cover the time frame through September 2023. Further, we direct your attention to bates number JD 0000336, a letter from TaxCite, the tax professionals responsible for the preparation of the returns referenced in the letter.

Per bates number JD 0000336, TaxCite has been unable to complete Ryan Carroll's individual tax return for tax year 2023. Accordingly, it does not exist and cannot be produced at this time.

WA Distribution Disregarded Entity Status

You raise in your First Email that no tax returns have been provided for WA Distribution LLC. This is correct, as no such tax returns exist. We refer you again to bates number JD 0000336.

Request for "Signed" Tax Returns

As previously stated, the Jurisdictional Defendants can only produce what is in their possession, custody or control. The versions of the tax returns produced are the versions the Jurisdictional Defendants have. Any additional versions are not within the Jurisdictional Defendants possession, custody or control.

Declaration of Michael Day

In response to your email at 1:03PM ("**Second Email**"), Mr. Michael Day exercised reasonable due diligence to obtain a copy of his 2022 tax return as his declaration states. The fact remains that Michael Day does not have a copy of his 2022 tax return in his possession, custody or control and accordingly, cannot produce it at this time. Of course, the production response will be supplemented as required, as additional responsive documents, such as the 2022 return come into his possession, custody or control.

Relevance of Max K. Day's Previously Corrected 2022 Tax Return

Mr. Max K. Day has timely complied with the Production Request by submitting the corrected and therefore controlling version of his personal 2022 tax return. We disagree that the now non-controlling prior filed return falls under the scope of the Production Request.

Page 3 of 3

Form and Content of Precision Trading Group's 2022 Tax Return

In response to your email of 1:57PM ("**Third Email**"), the Jurisdictional Defendants did not prepare their own tax returns. The returns provided in response to the Production Request were prepared by tax professionals. Any inquiries as to the completeness of the returns are outside the scope of the Production Request.

Reasonable Redactions

At the time of preparation of the responses to the Production Request, there had not been an express protective order agreed to by the parties. We are agreeable to reviewing the redactions provided and amending within reason, such as to display the last four digits of various identifying numbers, once the protective order has been entered properly.

Sincerely,

Lloyd & Mousilli
Attorneys at Law

A handwritten signature in black ink, appearing to read 'W. Shibley', with a long, sweeping horizontal stroke extending to the right.

William Shibley

EXHIBIT D



Nico Banks <nico@bankslawoffice.com>

Re: Hough, et al v. Carroll, et al - 5/8 Disclosures

1 message

Nico Banks <nico@bankslawoffice.com>

Thu, May 9, 2024 at 9:49 PM

To: Megan Weiss <megan@lloydmousilli.com>, William Shibley <william@lloydmousilli.com>

Cc: Allauna Gluski <allauna@lloydmousilli.com>, Lema Mousilli <lema@lloydmousilli.com>, Litigation

<litigation@lloydmousilli.com>, William Shibley <william@lloydmousilli.com>, richard@nerviglaw.com

Good evening,

It seems to me that defendants' ongoing failure to timely produce the signed tax returns, without the improper redactions, is a dilatory tactic in a very time sensitive matter.

It's difficult to believe that the signed tax returns are not within your clients' reasonable control. I am almost certain that an email to their tax professional would suffice to get the signed returns, and you've had plenty of time to do that.

Also, we already agreed to the protective order, even though it was not contemplated when the court entered the order requiring the production of tax returns. Also, even without a protective order, your redactions would be improper. Proper redactions leave the last four digits of social security numbers and EINs. And there is no basis to redact the names of the entities.

The defendants' ongoing failure to comply with the court's original TRO asset-disclosure requirement is even more egregious. I am concerned that your clients have waited to see which assets I find and freeze so that your clients can disclose only those assets, and not others.

Time is of the essence in this case, and the Court provided plenty of warning that there will be consequences for failing to make good faith, reasonable disclosures on time.

Regards,

Nico Banks, Esq.
Banks Law Office, P.C.
Pronouns: he/him
Tel.: 971-678-0036
712 H St NE,
Unit #8571,
Washington, DC 20002

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On Thu, May 9, 2024 at 9:13 PM Megan Weiss <megan@lloydmousilli.com> wrote:

Mr. Banks,

Please see attached correspondence on behalf of Mr. Shibley.

Thank you,

Megan Weiss, Head of Operations
Lloyd & Mousilli - Attorneys & Counselors at Law
Main: 512.609.0059 Direct: 507.459.0385
www.lloydmousilli.com

On Thu, May 9, 2024 at 1:57 PM Nico Banks <nico@bankslawoffice.com> wrote:

The Precision Trading Group tax returns are also unsigned. And it appears to me that a lot of numbers are missing from Precision Trading Group's Form 4562 for its 2022 tax return (e.g., column G in section B -- see page 11 of the return) but I'm open to being wrong about that.

Thanks,

Nico Banks, Esq.

Banks Law Office, P.C.

Pronouns: he/him

Tel.: 971-678-0036

[712 H St NE,](#)

[Unit #8571,](#)

[Washington, DC 20002](#)

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On Thu, May 9, 2024 at 2:03 PM Nico Banks <nico@bankslawoffice.com> wrote:

Also, Michael Day's declaration does not provide a reasonable excuse for failing to provide the 2022 tax return. It appears that Michael Day used a service called Executive Management Solutions, Inc. to prepare the tax returns. They would be able to provide the 2022 tax return.

Also, Max K. Day's 2022 unsigned return indicates that there was a previous return filed for that year, and the one you sent me is a corrected version. Please produce the previously filed version as well.

Regards,

Nico Banks, Esq.

Banks Law Office, P.C.

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On Thu, May 9, 2024 at 12:19 PM Nico Banks <nico@bankslawoffice.com> wrote:

I realized that the 2022 Yax Ecommerce tax return goes through September of 2023, so there is no need to correct that as long as Yax Ecommerce has filed no other tax returns (although it is strange that both the 2021 and 2022 tax returns were signed only a few days ago). But the other deficiencies remain.

Thanks,

Nico Banks, Esq.

Banks Law Office, P.C.

Pronouns: he/him

Tel.: 971-678-0036

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[Washington, DC 20002](#)

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On Thu, May 9, 2024 at 11:58 AM Nico Banks <nico@bankslawoffice.com> wrote:

Hello,

Thank you for the production.

However, there are a few deficiencies that jump out right away:

- They're overly redacted. For example, you have to at least leave the last four digits of social security numbers and EINs, and you can't redact company names, for example.
- Ryan Carroll's 2023 tax return is missing.
- Yax Ecommerce's 2023 tax return is missing.
- There are no tax returns for WA Distribution LLC

- Michael Day's, Max O. Day's, and Max K. Day's tax returns appear to be unsigned, at least at first glance.

Please fix those deficiencies as soon as possible. We especially need the improper redactions fixed right away.

Also, we'll agree to the protective order.

Regards,

Nico Banks, Esq.

Banks Law Office, P.C.

Pronouns: he/him

Tel.: 971-678-0036

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Washington, DC 20002

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On Wed, May 8, 2024 at 11:30 PM Allauna Gluski <allauna@lloydmousilli.com> wrote:
Counsel,

Please see all attached.

Best Regards,

Allauna Gluski, Litigation Paralegal
Lloyd & Mousilli - Attorneys & Counselors at Law
Main: 512.609.0059 Direct: 281.832.0674
www.lloydmousilli.com

Attention: For efficient case management, please include case names in the email subject line and carbon copy litigation@lloydmousilli.com as well as the lead attorney on all emails.

EXHIBIT E



Nico Banks <nico@bankslawoffice.com>

Re: Hough, et al v. Carroll, et al - 5/8 Disclosures

1 message

Nico Banks <nico@bankslawoffice.com>

Sat, May 11, 2024 at 10:45 AM

To: Megan Weiss <megan@lloydmousilli.com>

Cc: Allauna Gluski <allauna@lloydmousilli.com>, Lema Mousilli <lema@lloydmousilli.com>, Litigation <litigation@lloydmousilli.com>, William Shibley <william@lloydmousilli.com>, richard@nerviglaw.com

I don't believe we have a page bates stamped 366. It looks to me like the production ends at 365.

Nico Banks, Esq.
Banks Law Office, P.C.
Pronouns: he/him
Tel.: 971-678-0036
712 H St NE,
Unit #8571,
Washington, DC 20002

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On Sat, May 11, 2024 at 10:35 AM Megan Weiss <megan@lloydmousilli.com> wrote:
Please see JD0000366, which is a letter from TaxCite.

Thank you,

Megan Weiss, Head of Operations
Lloyd & Mousilli - Attorneys & Counselors at Law
Main: 512.609.0059 Direct: 507.459.0385
www.lloydmousilli.com

On Sat, May 11, 2024 at 9:30 AM Nico Banks <nico@bankslawoffice.com> wrote:

It looks to me like Bates JD000336 is just the beginning page of Carroll's 2023 tax return. Is there another page that says what you said was on that page (ie an affirmation that the missing tax returns for Carroll and WA Distribution do not exist)?

Nico Banks, Esq.
Banks Law Office, P.C.
Pronouns: he/him
Tel.: 971-678-0036
[712 H St NE,](#)
[Unit #8571,](#)
[Washington, DC 20002](#)

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Mr. Banks,

Please see attached correspondence on behalf of Mr. Shibley.

Thank you,

Megan Weiss, Head of Operations
Lloyd & Mousilli - Attorneys & Counselors at Law
Main: 512.609.0059 Direct: 507.459.0385
www.lloydmousilli.com

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Thanks,

Nico Banks, Esq.

Banks Law Office, P.C.

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On Thu, May 9, 2024 at 2:03 PM Nico Banks <nico@bankslawoffice.com> wrote:

Also, Michael Day's declaration does not provide a reasonable excuse for failing to provide the 2022 tax return. It appears that Michael Day used a service called Executive Management Solutions, Inc. to prepare the tax returns. They would be able to provide the 2022 tax return.

Also, Max K. Day's 2022 unsigned return indicates that there was a previous return filed for that year, and the one you sent me is a corrected version. Please produce the previously filed version as well.

Regards,

Nico Banks, Esq.

Banks Law Office, P.C.

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Thanks,

Nico Banks, Esq.

Banks Law Office, P.C.

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- Yax Ecommerce's 2023 tax return is missing.
- There are no tax returns for WA Distribution LLC
- Michael Day's, Max O. Day's, and Max K. Day's tax returns appear to be unsigned, at least at first glance.

Please fix those deficiencies as soon as possible. We especially need the improper redactions fixed right away.

Also, we'll agree to the protective order.

Regards,

Nico Banks, Esq.

Banks Law Office, P.C.

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On Wed, May 8, 2024 at 11:30 PM Allauna Gluski <allauna@lloydmousilli.com> wrote:
Counsel,

Please see all attached.

Best Regards,
Allauna Gluski, Litigation Paralegal
Lloyd & Mousilli - Attorneys & Counselors at Law
Main: 512.609.0059 Direct: 281.832.0674
www.lloydmousilli.com

Attention: For efficient case management, please include case names in the email subject line and carbon copy litigation@lloydmousilli.com as well as the lead attorney on all emails.

EXHIBIT F

Name of Entity, Individual	Relationship to Jurisdictional Defendant	Asset Description	Peak Value	Current Value
Michael Day	Jurisdictional Defendant	BANK OF AMERICA - Account Ending in 5118	\$34,833.73	\$1,000.21
Dolores Laree Lochbaum-Day	Wife of Jurisdictional Defendant	BANK OF AMERICA - Account Ending in 0545	\$14,369	\$98.35
Michael Day	Jurisdictional Defendant	BANK OF AMERICA - Account Ending in 8978	\$24,811.08	\$0.01
Michael Day	Jurisdictional Defendant	CREDIT CARMA Savings/MVB BANK - Account Ending in	\$202,017.87	\$0.03
Michael Day	Jurisdictional Defendant	COINBASE	Nominal Amount unable to be verified at this time due to inaccessibility to records	Nominal Amount unable to be verified at this time due to inaccessibility to records
Michael Day	Jurisdictional Defendant	AMEGY BANK - Account Ending in 8440	Nominal Amount unable to be verified at this time due to inaccessibility to records	\$3,844.10
TOTAL			\$276,031.74	\$4,942.70
DayCo interest LLC	Jurisdictional Defendant is Managing Member of L	LIVE OAK BANK - Account Ending in 2314	\$247,372.47	\$4,694.71
MLD Family Private Management Company L	LLC owned by Jurisdictional Defendant	LIVE OAK BANK - Account Ending in 7575	\$220,684.39	\$42,061.20
Assets				
Michael Day	Jurisdictional Defendant	2020 Lexus GX 460	\$45,000.00	\$32,000.00
Michael Day	Jurisdictional Defendant	2020 Mercedes E-450 4-matic	\$50,000.00	\$40,000.00

EXHIBIT
A

Name of Entity, Individual	Relationship to Jurisdictional Defendant	Asset Description	Peak Value	Current Value
MAX DAY CONSULTING, LLC	LLC owned by Jurisdictional Defendant	THIS BUSINESS WAS FORMED HAS NEVER HAD ANY ACCOUNTS OR MONETARY V	\$0.00	\$0.00
EVO MAXX LLC	LLC dissolved but previously co-owned by Jurisdictional Defendant	TRUST BANK - Account Ending in 4E+13	\$5,200.00	\$3,000.00
MAXPRO MARKETING LLC	LLC Out of Business, but owned by Jurisdictional Defendant	WELLS FARGO - Account Ending in 0188 - Account CLOSED by WELLS FARGO	\$40,000.00	\$0.00
BUSINESS FINANCIAL SOLUTIONS ADVISORY LLC	LLC owned by Jurisdictional Defendant	WELLS FARGO - Account Ending in 6864 - Account CLOSED by WELLS FARGO	\$65,000.00	\$0.00
MYAN LLC	LLC co-owned by Jurisdictional Defendant	PROSPERITY BANK - Account Ending in 6097	\$20,000.00	\$2,500.00
CATTLEMAN CASUALTY COPRORATION LLC	LLC co-owned by Jurisdictional Defendant	PROSPERITY BANK - Account Ending in 5899	\$250,000.00	\$2,000.00
HOUTEX CRICKET FARMS	LLC co-owned by Jurisdictional Defendant	TD BANK X2968 / 2022 CRICKET DELIVERY VAN	\$31,700.00	\$30,000.00
HOUTEX FARM EQUITY PARTNERS LLC / DASK LLC	LLC co-owned by Jurisdictional Defendant	BANK OF AMERICA - Account Ending in 1809	\$199,000.00	\$1,700.00
DASK LLC	LLC co-owned by Jurisdictional Defendant	BANK OF AMERICA - Account Ending in 4053	\$58,000.00	\$48,000.00
MKD INVESTMENT ADVISOR, LLC	LLC owned by Jurisdictional Defendant	NO ACCOUNTS	\$0.00	\$0.00
MKD FAMILY BENEFICIARY, LLC	LLC owned by Jurisdictional Defendant	NO ACCOUNTS	\$0.00	\$0.00
MKD FAMILY PRIVATE MANAGEMENT COMPANY, LLC	LLC owned by Jurisdictional Defendant	CHOICE FINANCIAL GROUP - Account Ending in 2E+11	\$160,000.00	\$20,000.00
ASSETS				
Max K. Day	Jurisdictional Defendant	WELLS FARGO - Account closed by WELLSFARGO	400,000.00	0
Max K. Day	Jurisdictional Defendant	FORD MOTOR CREDIT / Max 2019 Truck	\$70,000.00	\$30,000
Max K. Day	Jurisdictional Defendant	COINBASE Account	\$15,000	\$63
Max K. Day	Jurisdictional Defendant	ETHEREUM	\$10,000	\$600
Max K. Day	Jurisdictional Defendant	18310 Shire Oak Dr., Houston, TX 77084 - HOME to 90 yo father-in-law & sister-i	\$275,000	\$275,000
Max K. Day	Jurisdictional Defendant	DIGITAL FEDERAL REDIT UNION - Account Ending in 5504	10.00	6
Lori Day	Wife of Jurisdictional Defendant	WELLS FARGO Checking - Account Ending in 9026	20,000.00	3000
Lori Day	Wife of Jurisdictional Defendant	WELLS FARGO Savings - Account Ending in 0651	200000	50000
Lori Day	Wife of Jurisdictional Defendant	PRIORITY UNION TRUST ACCOUNT Account Ending in 4607	\$14,000.00	\$2,500.00
Lori Day Executive VP of Real Estate Firm	Wife of Jurisdictional Defendant	Lori 2019 Car	\$50,000.00	\$30,000.00
MKD INVESTMENT ADVISOR, LLC	LLC owned by Jurisdictional Defendant	18210 Farnsfield Dr., Houston, TX 77084 - Max and Lori Day's Home	\$400,000.00	\$400,000.00
MKD INVESTMENT ADVISOR, LLC	LLC owned by Jurisdictional Defendant	179 & 183 Bentwater Bay Dr, Montgomery TX	\$310,000.00	\$310,000.00
Dask LLC	LLC co-owned by Jurisdictional Defendant	3505 Macha Road, Wallis, TX 77485	\$60,000.00	\$65,000.00
TOTAL			\$1,824,010.00	\$1,166,168.57

Name of Entity, Individual	Relationship to Jurisdictional Defendant	Asset Description	Peak Value	Current Value
Max O. Day	Named Jurisdictional Defendant	Personal Residence	N/A	\$415,000.00
Max O. Day	Named Jurisdictional Defendant	1966 Ford Mustang	N/A	\$25,000.00
Max O. Day	Named Jurisdictional Defendant	2014 Mercedes GL	N/A	\$20,000.00
Max O. Day	Named Jurisdictional Defendant	1996 Pace Arrow Motohome	N/A	\$8,000.00
Max O. Day	Named Jurisdictional Defendant	2020 Triumph Bonneville Motorcycle	N/A	\$7,000.00
Max O. Day	Named Jurisdictional Defendant	Chase Bank Account 1339	\$18,043.00	\$2,748.12
TOTAL			\$18,043.00	\$477,748.12
Max O. Day DBA Teamwork Strategies	Named Jurisdictional Defendant	Chase Bank Account 7290	\$101,232.00	\$3,300.93
Teamwork Strategies LLC	LLC owned by Max O. Day	Mercury Bank Account 6340	\$250.00	\$250.00
Teamwork Strategies LLC	LLC owned by Max O. Day	Lili Bank Account 4000	\$1,000.00	\$209.00
TOTAL			\$102,482.00	\$3,759.93
Pithy Productions Inc	Corporation owned by Max O. Day	Aged Corporation, Non-operational	N/A	\$0.00
Pithy Productions Inc	Corporation owned by Max O. Day	Wells Fargo Bank Account 2255	\$837.15	\$837.15
TOTAL			\$837.15	\$837.15

**EXHIBIT
A**

Name of Entity, Individual	Relationship to Jurisdictional Defendant	Asset Description	Peak Value	Current Value
PRECISION TRADING GROUP, LLC	LLC owned by Jurisdictional Defendant	WELLS FARGO - Account Ending in 7394 - Account CLOSED by WELLS FARGO	\$280,000.00	\$0.00
PRECISION TRADING GROUP, LLC INVESTMENT ACCOUNT FOR WEALTH ASSISTANTS LLC	LLC Out of Business, but owned by Jurisdictional Defendant	WELLS FARGO - Account Ending in 8580 - Account CLOSED by WELLS FARGO	\$600,000.00	\$0.00
PRECISION TRADING GROUP, LLC DBA WA Amazon Seller LLC	LLC Out of Business, but owned by Jurisdictional Defendant	WELLS FARGO - Account Ending in 2191 - Account CLOSED by WELLS FARGO	\$20,000.00	\$0.00
PRECISION TRADING GROUP, LLC DBA WA Distribution LLC	LLC Out of Business, but owned by Jurisdictional Defendant	WELLS FARGO - Account Ending in 2183 - Account CLOSED by WELLS FARGO	\$20,000.00	\$0.00
PRECISION TRADING GROUP, LLC DBA Wealth Assistants LLC	LLC Out of Business, but owned by Jurisdictional Defendant	WELLS FARGO - Account Ending in 2209 - Account CLOSED by WELLS FARGO	\$3,400,000.00	\$0.00
PRECISION TRADING GROUP, LLC DBA WA Brand Management LLC	LLC Out of Business, but owned by Jurisdictional Defendant	WELLS FARGO - Account Ending in 2373 - Account CLOSED by WELLS FARGO	\$20,000.00	\$0.00
PRECISION TRADING GROUP, LLC DBA Carrol Enterprises LLC	LLC Out of Business, but owned by Jurisdictional Defendant	WELLS FARGO - Account Ending in 2365 - Account CLOSED by WELLS FARGO	\$20,000.00	\$0.00
PROVIDENCE OAK PROPERTIES, LLC	LLC owned by Jurisdictional Defendant	FIRST CITIZENS BANK - Account Ending in 3241	\$295,000.00	\$0.00
TOTAL			\$3,755,000.00	\$0.00

Name of Entity, Individual	Relationship to Jurisdictional Defendant	Asset Description	Peak Value	Current Value
Ryan Carroll	Named Jurisdictional Defendant	Patek Phillips Nautilus	N/A	\$0.00
		Rolex Day Date	N/A	\$38,000.00
		Life Insurance Policy	\$83,000.00	\$83,000.00
		(closed- no access available)	\$500,000.00	\$0.00
TOTAL			\$583,000.00	\$121,000.00
Dreams to Reality LLC	LLC Owned by Ryan Carroll	Account	\$1,385,466.00	\$1,385,466.00
		G63AMG Car	\$85,000.00	\$85,000.00
TOTAL			\$1,470,466.00	\$1,470,466.00
Carroll Private Family Management Company LLC	LLC indirectly controlled by Ryan Carroll	Residential Real Estate	\$421,000.00	\$421,000.00
Carroll Private Family Management Company LLC	LLC indirectly controlled by Ryan Carroll	Mercury Bank Account 3502	\$440,100.00	\$19,000.00
TOTAL			\$861,100.00	\$440,000.00
Start Scale Exit LLC	LLC owned by Ryan Carroll	Mercury Bank Account 1626	\$49,782.00	\$12.00
TOTAL			\$49,782.00	\$12.00

**EXHIBIT
A**

Name of Entity, Individual	Relationship to Jurisdictional Defendant	Asset Description	Peak Value
WA Distribution LLC	Jurisdictional Defendant	Relay Bank Account 0635	\$862,629.00
WA Distribution LLC	Jurisdictional Defendant	Relay Bank Account 4085	\$100,000.00
<i>TOTAL</i>			<i>\$962,629.00</i>

EXHIBIT
A

Name of Entity, Individual	Relationship to Jurisdictional Defendant	Asset Description	Peak Value
Yax Ecommerce LLC	Jursidictional Defendant	Bank of America Bank Account 3039	\$400,134.30
Yax Ecommerce LLC	Jursidictional Defendant	Bank of America Bank Account 0434	\$849,107.49
Yax Ecommerce LLC	Jursidictional Defendant	Bank of America Bank Account 4905	\$5,899,989.52
TOTAL			\$7,149,231.31
WA Brand Management LLC	Wholly owned by Yax Ecommerce LLC	Relay Bank Account 1268	\$574,275.97
TOTAL			\$574,275.97
WA Amazon Seller LLC	Wholly owned by Yax Ecommerce LLC	Relay Bank Account 6732	\$1,300,801.00
WA Amazon Seller LLC	Wholly owned by Yax Ecommerce LLC	Relay Bank Account 1447	\$1,175,513.00
WA Amazon Seller LLC	Wholly owned by Yax Ecommerce LLC	Relay Bank Account 1449	\$45,000.00
TOTAL			\$2,521,314.00
WA Brand Ventures LLC	Wholly owned by Yax Ecommerce LLC	Relay Bank Account 1409	\$17,288.09
WA Brand Ventures LLC	Wholly owned by Yax Ecommerce LLC	Relay Bank Account 1256	\$50,000.00
TOTAL			\$67,288.09

**EXHIBIT
A**

EXHIBIT G



Nico Banks <nico@bankslawoffice.com>

Re: Hough, et al v. Carroll, et al - Jurisdictional Defendants' Responses to Interrogatory

1 message

Nico Banks <nico@bankslawoffice.com>

Sun, May 12, 2024 at 8:54 AM

To: Allauna Gluski <allauna@lloydmousilli.com>

Cc: Feras Mousilli <feras@lloydmousilli.com>, Lema Mousilli <lema@lloydmousilli.com>, Litigation <litigation@lloydmousilli.com>, Megan Weiss <megan@lloydmousilli.com>, William Shibley <william@lloydmousilli.com>, richard@nerviglaw.com

Some initial comments and questions:

The PDFs you produced exclude a lot of information. Please immediately either disclose the native spreadsheets or disclose PDFs that do not cut off the cells.

Why don't Michael Day's disclosures include WWKB's assets, given that he owns and controls that company?

Several of the entities only show the "peak value" of assets and do not have a column for "current value." Please fix that immediately.

Regards,

Nico Banks, Esq.
Banks Law Office, P.C.
Pronouns: he/him
Tel.: 971-678-0036
712 H St NE,
Unit #8571,
Washington, DC 20002

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On Sun, May 12, 2024 at 1:55 AM Allauna Gluski <allauna@lloydmousilli.com> wrote:

Counsel,

Please see attached:

Max K. Day's Response to Interrogatory and Ex. A
Max O. Day's Response to Interrogatory and Ex. A
Michael E. Day 's Response to Interrogatory and Ex. A
Ryan Carroll 's Response to Interrogatory and Ex. A
Precision Trading Group LLC 's Response to Interrogatory and Ex. A
WA Distribution LLC 's Response to Interrogatory and Ex. A
Yax Ecommerce d/b/a Wealth Assistants 's Response to Interrogatory and Ex. A

Best Regards,

Allauna Gluski, Litigation Paralegal
Lloyd & Mousilli - Attorneys & Counselors at Law
Main: 512.609.0059 Direct: 281.832.0674
www.lloydmousilli.com

Attention: For efficient case management, please include case names in the email subject line and carbon copy litigation@lloydmousilli.com as well as the lead attorney on all emails.

EXHIBIT H

image

William Shibley
562.716.4040
william@lloydmousilli.com

May 15, 2024

Via Electronic Mail

Nico Banks
Banks Law Office
712 H St. NE,
Unit #8571,
Washington, DC 20002
nico@bankslawoffice.com

Re: Meet and Confer

Mr. Banks,

I have reviewed your request email and I am somewhat concerned. I was not a party to your prior discussions. I am uncertain as to the nature of your request for further response. Please set forth "the discovery deficiencies we discussed last week." We will attempt to resolve all discovery issues, but I must ask you to specify exactly what those deficiencies are. In this regard, I consider your letter at best ambiguous.

As to the tax returns, it is my understanding that those are true and correct copies of the returns which have been filed. I am again uncertain what you mean by "the other tax return deficiencies remain outstanding." Please specify exactly what you mean, and we will do our best to resolve those issues.

As you are aware, the clients are in Texas as are the balance of the staff and attorneys. If you would set forth each deficiencies which you believe exist, we will address them.

If a court finds that there are no deficiencies, the court could impose those sanctions on you and/or your clients.

Sincerely,,

Lloyd & Mousilli
Attorneys at Law

William Shibley

EXHIBIT I



Nico Banks <nico@bankslawoffice.com>

Re: Meet and confer re discovery deficiencies

1 message

William Shibley <william@lloydmousilli.com>

Thu, May 16, 2024 at 2:07 PM

To: Nico Banks <nico@bankslawoffice.com>

Cc: Allauna Gluski <allauna@lloydmousilli.com>, Feras Mousilli <feras@lloydmousilli.com>, Megan Weiss

<megan@lloydmousilli.com>, Rachel Crockett <rachel@lloydmousilli.com>, Litigation <litigation@lloydmousilli.com>

I am shocked. We are trying to resolve your issues with discovery and you simply want to strike out. We are scheduling a video conference tomorrow at noon Pacific Time (2 pm Central Time). I look forward to speaking with you at that time.

William Shibley

On Thu, May 16, 2024, 9:44 AM Nico Banks <nico@bankslawoffice.com> wrote:

All,

I asked you to take basic steps to comply with your long-overdue and urgent discovery obligations, and you failed to do. So, I'm going to move for sanctions. I'm willing to have a call tomorrow to discuss what those sanctions should be. Tomorrow at 12pm pacific time works for me. Please call me at 971-678-0036.

Regards,

Nico Banks, Esq.

Banks Law Office, P.C.

Pronouns: he/him

Tel.: 971-678-0036

712 H St NE,

Unit #8571,

[Washington, DC 20002](#)

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On Thu, May 16, 2024 at 12:24 PM William Shibley <william@lloydmousilli.com> wrote:

Nico,

I have heard from the Texas team members and we propose a conference with you to discuss and hopefully resolve the discovery issues in this matter. The available time is tomorrow Friday between 2 pm and 6 pm central time (12 noon and 4 pm pacific time.

William Shibley

On Wed, May 15, 2024 at 6:22 PM Nico Banks <nico@bankslawoffice.com> wrote:

We're at an impasse. I've shown plenty of patience regarding these urgent discovery matters, and I plan to move for sanctions now.

Regards,

Nico Banks, Esq.

Banks Law Office, P.C.

Pronouns: he/him

Tel.: 971-678-0036

712 H St NE,

Unit #8571,

[Washington, DC 20002](#)

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On Wed, May 15, 2024 at 9:20 PM William Shibley <william@lloydmousilli.com> wrote:

Although I am still uncertain as to what you actually want in responses to discovery, I have asked the Texas attorneys to review and respond further. It still may take a few days for them to obtain that information and respond.

It would simplify matters for all parties involved if you would provide a specific list of what you claim the inadequacies are.

Bill Shibley

On Wed, May 15, 2024 at 2:53 PM Nico Banks <nico@bankslawoffice.com> wrote:

I disagree; the email threads describe the deficiencies with plenty of particularity. Also, please consider this our meet and confer regarding an ex parte motion for a continuance as to the motion to compel arbitration and motion to dismiss for lack of personal jurisdiction. I understand based on your previous email that you oppose it, but if not, please let me know right away.

Thanks,

Nico Banks, Esq.

Banks Law Office, P.C.

Pronouns: he/him

Tel.: 971-678-0036

712 H St NE,

Unit #8571,

Washington, DC 20002

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On Wed, May 15, 2024 at 5:37 PM William Shibley <william@lloydmousilli.com> wrote:

Mr. Banks,

I have reviewed the email chains and am still uncertain exactly what you want.

I noticed that in the past you have used bullet points to identify your concerns. If you could just give me a list so that I can have the staff in Texas attempt to obtain everything that you want. Because I am still uncertain as to exactly what information you wish, I would appreciate your setting it forth in one or two paragraphs or as a letter with bullet points.

Under the Federal Rules, discovery is a continuing obligation so that we will continue to update information as it is discovered.

If you make a motion that is what you will need to do. You would need to explicitly set forth what you claim we have failed to provide under your discovery requests.

William Shibley

On Wed, May 15, 2024 at 12:28 PM Nico Banks <nico@bankslawoffice.com> wrote:

Mr. Shibley,

You received all of the correspondence about the discovery deficiencies. For convenience, though, here are email threads that list the discovery deficiencies.

Regards,

Nico Banks, Esq.

Banks Law Office, P.C.

Pronouns: he/him

Tel.: 971-678-0036

712 H St NE,

Unit #8571,

Washington, DC 20002

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On Wed, May 15, 2024 at 12:53 PM William Shibley <william@lloydmousilli.com> wrote:
Attached find my response.

On Tue, May 14, 2024 at 9:40 AM Nico Banks <nico@bankslawoffice.com> wrote:
Mr. Shibley

Also, please consider this our final meet-and-confer regarding the discovery deficiencies we discussed last week. If those are not resolved within the next 48 hours, I plan to file a motion for sanctions or contempt (unless you provide an explanation for why something is not feasible to resolve in the next 48 hours, and you resolve everything that is feasible).

If you confirm that the tax returns you produced are the same as the ones that were filed with the IRS, then I'm willing to drop the signatures issue. But, the other tax return deficiencies remain outstanding, along with the interrogatory response deficiencies.

Regards,

Nico Banks, Esq.
Banks Law Office, P.C.
Pronouns: he/him
Tel.: 971-678-0036
[712 H St NE,](#)
[Unit #8571,](#)
[Washington, DC 20002](#)

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On Tue, May 14, 2024 at 9:04 AM Nico Banks <nico@bankslawoffice.com> wrote:
Mr. Shibley,

Could we agree to postpone the hearing on the motion to compel arbitration and the motion to dismiss? That way, you could re-write and submit your motions in light of our amendments to the pleadings, as discussed yesterday. Our position is that the current motions would be moot in light of the amendments to the pleadings. I'm happy to discuss this further.

Regards,

Nico Banks, Esq.
Banks Law Office, P.C.
Pronouns: he/him
Tel.: 971-678-0036
[712 H St NE,](#)
[Unit #8571,](#)
[Washington, DC 20002](#)

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EXHIBIT J

Name of Entity, Individual	Relationship to Jurisdictional Defendant	Asset Description	Peak Value	Current Value
Ryan Carroll	Named Jurisdictional Defendant	Patek Phillips Nautilus	N/A	\$0.00
		Rolex Day Date	N/A	\$38,000.00
		Life Insurance Policy	\$83,000.00	\$83,000.00
		Financial Account: HSBC account (closed-no access available)	\$500,000.00	\$0.00
TOTAL			\$583,000.00	\$121,000.00
Dreams to Reality LLC	LLC Owned by Ryan Carroll	Account	\$1,385,466.00	\$1,385,466.00
		G63AMG Car	\$85,000.00	\$85,000.00
TOTAL			\$1,470,466.00	\$1,470,466.00
Carroll Private Family Management Company LLC	LLC indirectly controlled by Ryan Carroll	Residential Real Estate	\$421,000.00	\$421,000.00
Carroll Private Family Management Company LLC	LLC indirectly controlled by Ryan Carroll	Mercury Bank Account 3502	\$440,100.00	\$19,000.00
TOTAL			\$861,100.00	\$440,000.00
Start Scale Exit LLC	LLC owned by Ryan Carroll	Mercury Bank Account 1626	\$49,782.00	\$12.00
TOTAL			\$49,782.00	\$12.00
FIRST SUPPLEMENTAL RESPONSES TO INTERROGATORY				
Ryan Carroll		Coinbase	\$190,163.00	\$518.00
Dreams to Realty		Bank of America Account 8704	\$192,042.00	\$0.00
Dreams to Realty		Bank of America Account 8681	\$23,344.81	\$0.00
Dreams to Realty		Bank of America Account 8720	\$594,774.00	\$0.00
Dreams to Realty		Bank of America Account 8694	\$34,163.20	\$0.00
TOTAL			\$1,034,487.01	\$518.00

FIRST SUPPLEMENTAL RESPONSES TO INTERROGATORY (FORMATTING UPDATE)				
Name of Entity, Individual	Relationship to Jurisdictional Defendant	Asset Description	Peak Value	Current Value
MAX DAY CONSULTING, LLC	LLC owned by Jurisdictional Defendant	THIS BUSINESS WAS FORMED HAS NEVER HAD ANY ACCOUNTS OR MONETARY VALUE	\$0.00	\$0.00
EVO MAXX LLC	LLC dissolved but previously co-owned by Jurisdictional Defendant	TRUST BANK - Account Ending in 4E+13	\$5,200.00	\$3,000.00
MAXPRO MARKETING LLC	LLC Out of Business, but owned by Jurisdictional Defendant	WELLS FARGO - Account Ending in 0188 - Account CLOSED by WELLS FARGO	\$40,000.00	\$0.00
BUSINESS FINANCIAL SOLUTIONS ADVISORY LLC	LLC owned by Jurisdictional Defendant	WELLS FARGO - Account Ending in 6864 - Account CLOSED by WELLS FARGO	\$65,000.00	\$0.00
MYAN LLC	LLC co-owned by Jurisdictional Defendant	PROSPERITY BANK - Account Ending in 6097	\$20,000.00	\$2,500.00
CATTLEMAN CASUALTY COPRPORATION LLC	LLC co-owned by Jurisdictional Defendant	PROSPERITY BANK - Account Ending in 5899	\$250,000.00	\$2,000.00
HOUTEX CRICKET FARMS	LLC co-owned by Jurisdictional Defendant	TD BANK X2968 / 2022 CRICKET DELIVERY VAN	\$31,700.00	\$30,000.00
HOUTEX FARM EQUITY PARTNERS LLC / DASK LLC	LLC co-owned by Jurisdictional Defendant	BANK OF AMERICA - Account Ending in 1809	\$199,000.00	\$1,700.00
DASK LLC	LLC co-owned by Jurisdictional Defendant	BANK OF AMERICA - Account Ending in 4053	\$58,000.00	\$48,000.00
MKD INVESTMENT ADVISOR, LLC	LLC owned by Jurisdictional Defendant	NO ACCOUNTS	\$0.00	\$0.00
MKD FAMILY BENEFICIARY, LLC	LLC owned by Jurisdictional Defendant	NO ACCOUNTS	\$0.00	\$0.00
MKD FAMILY PRIVATE MANAGEMENT COMPANY, LLC	LLC owned by Jurisdictional Defendant	CHOICE FINANCIAL GROUP - Account Ending in 2E+11	\$160,000.00	\$20,000.00
TOTAL			\$828,900.00	\$107,200.00
ASSETS				
Max K. Day	Jurisdictional Defendant	WELLS FARGO - Account closed by WELLSFARGO	400,000.00	0
Max K. Day	Jurisdictional Defendant	FORD MOTOR CREDIT / Max 2019 Truck	\$70,000.00	\$30,000
Max K. Day	Jurisdictional Defendant	COINBASE Account	\$15,000	\$63
Max K. Day	Jurisdictional Defendant	ETHEREUM	\$10,000	\$600
Max K. Day	Jurisdictional Defendant	18310 Shire Oak Dr., Houston, TX 77084 - HOME to 90 yo father-in-law & sister-in-law	\$275,000	\$275,000
Max K. Day	Jurisdictional Defendant	DIGITAL FEDERAL REDIT UNION - Account Ending in 5504	10.00	6
Lori Day	Wife of Jurisdictional Defendant	WELLS FARGO Checking - Account Ending in 9026	20,000.00	3000
Lori Day	Wife of Jurisdictional Defendant	WELLS FARGO Savings - Account Ending in 0651	200000	50000
Lori Day	Wife of Jurisdictional Defendant	PRIORITY UNION TRUST ACCOUNT Account Ending in 4607	\$14,000.00	\$2,500.00
Lori Day Executive VP of Real Estate Firm	Wife of Jurisdictional Defendant	Lori 2019 Car	\$50,000.00	\$30,000.00
MKD INVESTMENT ADVISOR, LLC	LLC owned by Jurisdictional Defendant	18210 Farnsfield Dr., Houston, TX 77084 - Max and Lori Day's Home	\$400,000.00	\$400,000.00
MKD INVESTMENT ADVISOR, LLC	LLC owned by Jurisdictional Defendant	179 & 183 Bentwater Bay Dr, Montgomery TX	\$310,000.00	\$310,000.00
Dask LLC	LLC co-owned by Jurisdictional Defendant	3505 Macha Road, Wallis, TX 77485	\$60,000.00	\$65,000.00
TOTAL			\$1,824,010.00	\$1,166,168.57

Name of Entity, Individual	Relationship to Jurisdictional Defendant	Asset Description	Peak Value	Current Value
Michael Day	Jurisdictional Defendant	BANK OF AMERICA - Account Ending in 5118	\$34,833.73	\$1,000.21
Dolores Laree Lochbaum-Day	Wife of Jurisdictional Defendant	BANK OF AMERICA - Account Ending in 0545	\$14,369.06	\$98.35
Michael Day	Jurisdictional Defendant	BANK OF AMERICA - Account Ending in 8978	\$24,811.08	\$0.01
Michael Day	Jurisdictional Defendant	CREDIT CARMA Savings/MVB BANK - Account Ending in - 4272	\$202,017.87	\$0.03
Michael Day	Jurisdictional Defendant	AMEGY BANK - Account Ending in 8440		\$3,844.10
TOTAL			\$276,031.74	\$4,942.70
DayCo Interest, LLC	Jurisdictional Defendant is Managing Member of LLC	LIVE OAK BANK - Account Ending in 2314	\$247,372.47	\$4,694.71
MLD Family Private Management Company LLC	LLC owned by Jurisdictional Defendant	LIVE OAK BANK - Account Ending in 7575	\$220,684.39	\$42,061.20
TOTAL			\$468,056.86	\$46,755.91
Assets				
Michael Day	Jurisdictional Defendant	2020 Lexus GX 460	\$45,000.00	\$32,000.00
Michael Day	Jurisdictional Defendant	2020 Mercedes E-450 4-matic	\$50,000.00	\$40,000.00
TOTAL			\$95,000.00	\$72,000.00
FIRST SUPPLEMENTAL RESPONSES TO INTERROGATORY				
Michael Day	Jurisdictional Defendant	COINBASE	Nominal Amount unable to be verified at this time due to inaccessibility to records	
WWKB, LLC	Jurisdictional Defendant is Managing Member of LLC	BANK OF AMERICA	\$744,000.00	\$4,591.12
DayCo Interest, LLC	Jurisdictional Defendant is Managing Member of LLC	AMERITRADE	\$145,500.00	\$145,500.00
TOTAL			\$889,500.00	\$150,091.12

EXHIBIT K

nico@bankslawoffice.com

From: Megan Weiss <megan@lloydmousilli.com>
Sent: Sunday, May 19, 2024 12:19 PM
To: Nico Banks; richard nerviglaw.com
Cc: William Shibley; Lema Mousilli; Litigation
Subject: Hough v. Carroll - Clerical Clarifications to Interrogatory Responses on behalf of Jurisdictional Defendants

Good morning,

As discussed during Friday's discovery conference, among other matters which will be the subject of a separate follow up, you raised two specific questions with regards to accounts for Dreams to Reality LLC and Max K. Day.

After seeking further clarification, please see below:

Ryan Carroll:

Dreams to Reality LLC:

The line item entitled "Account" that was originally listed with both a peak and current value of \$1,385,466.00 in Ryan Carroll's responses to interrogatories is incorrect. Mr. Carroll had provided a comprehensive accounting of the peak value of all former Dreams to Reality bank accounts. That line item **does not** represent a specific account.

Rather, the four bank accounts that the comprehensive total was composed of are reflected with specificity in Mr. Carroll's First Supplemental Responses.

With regards to the current value, Dreams to Reality no longer has any bank accounts so that is \$0.00.

Max K. Day

Thank you for bringing to our attention that two of the line items had been autocorrected to display a logarithm function in the cell vs the intended information of the last four numbers. As you can understand, our team, including paralegals, has been hard at work to diligently prepare documents.

With that in mind, again we appreciated that we were able to have a discovery conference to understand any areas that are simply misunderstandings.

We have now had a chance confirm the account numbers at issue and have included the last four digits below:

Evo Maxx LLC - Trust Bank - 5565

MKD Family Private Management Company, LLC - Choice Financial Group - 5066

It should be recognized that considerable time has been spent, including evenings & weekends, to review, confer and supplement the ongoing discovery issues between the parties.

In due course, we will amend and supplement the formal responses, but in the nature of efficiency, we want to provide the pertinent information as quickly as practical.

Thank you,

Megan Weiss, Head of Operations
Lloyd & Mousilli - Attorneys & Counselors at Law
Main: 512.609.0059 Direct: 507.459.0385
www.lloydmousilli.com